

AMENDMENTS TO THE DRAWINGS

The attached sheet of replacement drawings includes changes to Fig. 1E. This sheet, which includes Figs. 1A-1F, replaces the original sheet including Figs. 1A-1F. In Fig. 1E, previously omitted element 30 has been added. New Figure 7 illustrating elements disclosed in the specification, no new matter is added.

REMARKS

Claims Rejections - 35 USC §102(b)

Claims 1-4, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,524, 460 issued to Twichoff. The applicant has carefully reviewed the '460 reference and respectfully disagrees with the Office.

A rejection based on anticipation requires that a single reference teach every element of the claim (MPEP § 2131). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Or stated in another way, a "claim is anticipated only if each and every element as set forth in the claim is found, . . . described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . .

To overcome the anticipation rejection, the Applicant needs to only demonstrate that not all elements of a prima facie case of anticipation have been met, i.e., show that the prior art reference cited by the Examiner fails to disclose every element in each of the applicants' claims. "If the examination at the initial state does not produce a prima facie case of unpatentability, then without more the applicant is entitled to grant of the patent." In re Oetiker, 977 F.2d 1443, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992).

The applicant respectfully draws the Office's attention to claim 1, as amended:

A multiple bag structured by sealing a portion in which a multiple film formed by overlapping at least an inner film and an outer film is bent in a tubular shape and is overlapped, wherein each of the films of the multiple film structuring said multiple bag is connected with each other in both side and end edges thereof.

The Applicant respectfully submits that the cited reference fails to disclose the claimed invention. In contrast to the claimed invention, the cited reference fails to disclose two separate films that form multiple layers that are joined, instead as is clearly illustrated in Figs. 4, 6, and 7 the layers of the '460 reference are specifically left with a gap for the valve, through which air or fluid is extracted or inserted into the completed sack. The claimed invention creates a bag with multiple discrete layers.

The cited reference discloses that in order to achieve a desired seal, an overlapping margin of reduced thickness web must be provided. In contrast to the claimed invention, the cited reference fails to disclose an overlap wherein each of the films of the bag is connected with each other in both side and end edges thereof.

The applicant respectfully submits that the structural differences of between the claimed invention and the cited reference contributes to the claimed invention's ability to be filled with liquids, and sealed, rather than cited references inflation or filling through a valve.

With regard to claims 3, 4, 13 and 14, the cited reference fails to disclose a "back seal", or the claimed structure of the seals.

At least for these reasons, the Applicant respectfully submits that the cited '460 reference fails to disclose the claimed invention of claims 1, 2-4, 13, and 14. The Applicant therefore respectfully requests that the Office withdraw its rejection of these claims.

Claim Rejections – 35 USC § 103

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '460 reference in view of US Patent No. 3,939,972 issued to Mayworm.

Applicant has carefully considered the Office rejections and respectfully submits that the amended claims, as supported by the arguments herein, are distinguishable from the cited references, either alone or in combination.

According to the MPEP §2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art."

A useful presentation for the proper standard for determining obviousness under 35 USC §103(a) can be illustrated as follows:

1. Determining the scope and contents of the prior art;
2. Ascertaining the differences between the prior art and the claims at issue;
3. Resolving the level of ordinary skill in the pertinent art; and
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

The applicant notes that the cited '972 reference fails to address those distinctions articulated above with regard to the '460 references, nor does the Office suggest that the '972 reference discloses such items. The applicant respectfully submits that at least for the above reasons claims 11 and 12, both incorporating the subject matter of claim 1, are patentably distinct from the cited references, with alone or in combination. The applicant therefore requests that the Office withdraw its rejection with regard to claims 11 and 12.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,

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